

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No. 2:17-cr-00064-KJD-GWF  
2:20-cv-01828-KJD

Plaintiff.

V.

JACK WILLIAM MORGAN,

Defendant.

## ORDER

Presently before the Court are seven pro se motions filed by Defendant Jack Morgan: (1) Motion for Copy of Court File and to Appoint Counsel (#143), (2) Motion for Appointment of Counsel (#146), (3) Motion for Copies (#159), (4) Motion for Status Update (#163), (5) Motion for Copy of Document (#164), (6) Motion for Form for Sentence Reduction (#166), and (7) Motion for Copies (#177).<sup>1</sup> The Court will address each motion in turn, beginning with Morgan's Motion for Copy of Court File and to Appoint Counsel (#143).

## I. Analysis

#### A. Motion for Copy of Court File and to Appoint Counsel (#143)

Defendant's motion requests a "complete electronic copy of [his] court file, including discovery[.]" (#143, at 1). Although Defendant was recently granted IFP status (See #180), the statute allowing a party to proceed in forma pauperis does not include the right to obtain court documents without payment. See 28 U.S.C. § 1915; Local Special Rule 1-6. Therefore, the Court ordinarily cannot provide free copies even to indigent plaintiffs proceeding in forma pauperis. Jackson v. Philson, No. 3:20-CV-00009-GMN-CLB, 2020 WL 9888358, at \*1 (D. Nev. Sept. 28,

Moreover, Defendant requests appointment of counsel for assistance in filing a § 2241.

<sup>1</sup> In a related case, 2:20-cv-01828-KJD, Defendant filed a Motion for Status (#5), requesting an update on his motion to vacate. (#5). The Court declines to address Defendant's request as it has already been addressed by his filings in the current matter. Therefore, the motion is dismissed.

1 motion.” (#143). The right to appointed counsel extends to the first appeal of right, and no  
 2 further. Pennsylvania v. Finley, 481 U.S. 551, 555 (1987). Instead, the decision to appoint  
 3 counsel in post-conviction proceedings rests with the discretion of the district court. United  
 4 States v. Harrington, 410 F.3d 598, 600 (9th Cir. 2005). Here, Morgan’s motion fails to make  
 5 any allegations that constitute the type of exceptional circumstances that would warrant the  
 6 appointment of counsel. As such, the Court finds that appointment of counsel is unwarranted.

7 **B. Motion for Appointment of Counsel (#146)**

8 Liberally construed, Defendant’s motion requests that this Court appoint counsel to evaluate  
 9 whether recent legislation has any impact on his sentence. (#146); see generally Draper v.  
 10 Rosario, 836 F.3d 1072, 1080 (9th Cir. 2016) (“[P]ro se pleadings must be construed  
 11 liberally[.]”). As stated above, Defendant is not entitled to counsel, and his recent motion adds  
 12 no new reasoning that persuades the Court otherwise. Furthermore, Defendant requests an update  
 13 regarding this Motion to Vacate, Set Aside, or Correct Sentence Under 28 U.S.C. § 2255 (#138).  
 14 Id. Defendant filed his motion to vacate on September 30, 2020, and on October 20, 2020, the  
 15 Court denied the motion. (#139). As such, Defendant’s motion is dismissed. However, as a  
 16 courtesy, the Court will provide Defendant with a copy of its order.

17 **C. Motion for Copies (#159)**

18 Defendant’s motion requests an update regarding his motion for compassionate release  
 19 (#147). (#159). Currently, the motion is under adjudication, and a final determination is  
 20 forthcoming. As such, Defendant’s motion is dismissed.

21 **D. Motion for Status Update and Request for Transcripts (#163)**

22 Defendant’s motion requests an update regarding his motion for compassionate release  
 23 (#147) and a request for transcripts. (#159). As stated above, the motion for compassionate  
 24 release is still undergoing adjudication, with a final determination to follow. Furthermore, the  
 25 request for transcripts was made in response to Defendant’s appeal, and no further action is  
 26 necessary regarding this request. (See #120/121). As such, Defendant’s motion is dismissed.

27 **E. Motion for Copy of Document (#164)**

28 Defendant’s motion requests an update regarding his motion for compassionate release

1 (#147) and requests that a 28 U.S.C. “§ 2255 form and compassionate release form” be sent to  
2 him. (#164). As previously mentioned, the motion for compassionate release is still under  
3 adjudication, and a final decision will be made thereafter. Furthermore, as stated above, the  
4 statute allowing a party to proceed in forma pauperis does not include the right to obtain court  
5 documents without payment. See 28 U.S.C. § 1915; Local Special Rule 1-6; Jackson, 2020 WL  
6 9888358, at \*1. In addition, the Court finds no reason to provide Defendant with a courtesy copy  
7 of these forms, as his motion to vacate has already been ruled on, and his motion for  
8 compassionate release is still pending. As such, Defendant’s motion is dismissed.

9 **F. Motion for Form for Sentence Reduction and Motion for Copies (#166/177)**

10 Defendant’s motions are a reiteration of requests already submitted to the Court—requests  
11 for copies of documents, status updates regarding his motion to vacate, and the appointment of  
12 counsel. (#166/177). As the motions add nothing new to Defendant’s numerous requests, they  
13 are dismissed.

14 **II. Conclusion**

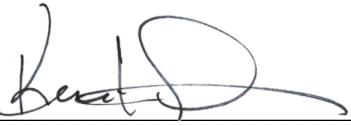
15 Accordingly, **IT IS HEREBY ORDERED** that Defendant’s Motion for Copy of Court File  
16 and to Appoint Counsel (#143), Motion for Appointment of Counsel (#146), Motion for Copies  
17 (#159), Motion for Status Update (#163), Motion for Copy of Document (#164), Motion for  
18 Form for Sentence Reduction (#166), and Motion for Copies (#177) are all **DISMISSED**.

19 Furthermore, **IT IS ORDERED** that Defendant’s Motion for Status (#5), in case 2:20-cv-  
20 01828-KJD, is **DISMISSED**.

21 The Clerk of the Court is kindly directed to send Defendant the following:

22 1. A copy of the docket sheet in this case.  
23 2. A copy of the Court’s Order (#139).

24  
25 Dated this 10<sup>th</sup> day of April 2024.

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Kent J. Dawson  
United States District Judge